



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

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April 7, 2014

Melissa Barbanell
Barrick Gold of North America, Inc.
460 West 50 North, Suite 500
Salt Lake City, Utah 84101

Subject: Comments of Barrick Goldstrike Mines, Inc. on the Draft Nevada 2012 Integrated Report

Dear Ms. Barbanell:

Thank you for the comments from Barrick Gold of North America, Inc. (Barrick) on Nevada's Draft 2012 Integrated Report (Draft IR). Barrick expressed concerns about the Draft IR's treatment of Boulder, Bell, Brush, and Rodeo Creeks and the Humboldt River between Palisade and Battle Mountain. The Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning's (BWQP) responses to Barrick's comments are provided below.

Barrick Comment I. NDEP Should Limit The Waters Included In The Integrated Report Submitted To EPA To Those Waters Required To Be Included By the CWA.

NDEP Response: NDEP agrees that non-jurisdictional waters need not be included in the Integrated Report. For purposes of Clean Water Act Sections 303(d) and 305(b) reporting, BWQP will accept jurisdictional determinations (effective during the integrated report assessment period) issued by the Army Corps of Engineers (Corps) and/or the U.S. Environmental Protection Agency (EPA). BWQP accepts the Corps jurisdictional determinations (JDs) submitted by Barrick for Boulder, Bell, Brush, and Rodeo Creeks and will not include these waterbodies in the 2012 Integrated Report.

Barrick Comment II. NDEP Inappropriately Uses Water Quality Criteria Promulgated for the Humboldt River to Assess Boulder, Bell, Brush, and Rodeo Creeks.

NDEP Response: Nevada Administrative Code (NAC) 445A.1239 (known as the Tributary Rule) is applicable to all "Waters of the State" (Nevada Revised Statutes 445A.415) for State assessments and State water quality standards purposes. NAC 445A.1239 states in part:

1. Control points are locations where water quality criteria are specified. Criteria so specified apply to all surface waters of Nevada in the watershed upstream from the control point or to the next upstream control point or to the next water named in NAC 445A.123 to 445A.2234, inclusive.
2. If there are no control points downstream from a particular control point, the criteria for that control point also apply to all surface waters of Nevada in the watershed downstream of the control point or to the next water named in NAC 445A.123 to 445A.2234, inclusive.

The Tributary Rule does not specify or imply that there be a demonstrated hydrologic connection in order to apply standards. NDEP regrets any confusion that may have been caused by text in the draft 2012 Integrated Report. For clarification, the final 2012 Integrated Report, Section 4.5 Assessment Methodology—Control Points and the Tributary Rule (page 19), second and third paragraphs have been revised as shown below.

For those waters with water quality data but no specific water quality standards in the NAC, the Tributary Rule (NAC 445A.1239) was used to “assign” numeric criteria for assessment purposes. Under the Tributary Rule, the water quality criteria for the nearest control point or classified water within the watershed (upstream or downstream) was applied to evaluate unclassified or undesignated waters.

There are waterbodies in the state that do not have assigned uses and standards and are not located in a watershed with waters that do have standards. These waters generally flow out of the state or into a closed basin. The Tributary Rule does not apply and these waters are categorized as having no designated beneficial uses. Consequently these waters were not assessed and placed in Category 3.

According to the U.S. Geological Survey Hydrologic Unit Code (HUC) map, Boulder, Bell, Brush, and Rodeo Creeks are located in HUC 16040105 upstream of the Humboldt River. Pursuant to the Tributary Rule NDEP can apply standards for the Humboldt River to these creeks for State assessment, permitting, and any other applicable State water quality protection programs.

Barrick Comment III. NDEP Should Not Include The Humboldt River Between Palisade and Battle Mountain For Manganese In Its 303(d) List.

NDEP Response: The Humboldt River between Palisade and Battle Mountain is included in Category 5 (303(d) List) of the 2012 IR for not meeting the manganese water quality standard for irrigation. NDEP evaluated the data according to the methodology established for the 2012 IR. There are no seasonal restrictions expressed in the irrigation standard and therefore it is not appropriate to apply the standard only during the irrigation season.

NDEP has determined that the data are valid, and the Humboldt River between Palisade and Battle Mountain will remain on the 2012 303(d) List for manganese.

Nevada’s final 2012 IR has been submitted to EPA for approval and is available at <http://ndep.nv.gov/bwqp/303dlist2012.htm>. The assessment period for the 2014 IR is October 1, 2007 to September 30, 2012. BWQP is in the process of compiling data and information for that report. Barrick need not resubmit the JDs for Boulder, Bell, Brush, and Rodeo Creeks for the 2014 IR cycle, but we encourage Barrick to submit any other relevant Corps or EPA approved JDs to BWQP as soon as possible for consideration during development of the 2014 IR.

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Please contact me at (775) 687-9449 if you have any questions or would like to further discuss these matters.

Sincerely,



John O. Heggeness, Supervisor
Water Quality Standards and Monitoring
Bureau of Water Quality Planning

Cc: Dave Gaskin, P.E., Deputy Administrator, NDEP
Alan Tinney, P.E., Chief, Bureau of Water Pollution Control, NDEP
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